



**MINUTES  
FREMONT PLANNING COMMISSION  
REGULAR MEETING OF SEPTEMBER 12, 2002**

CALL TO ORDER: Chairperson Manuel called the meeting to order at 7:00 p.m.

PRESENT: Chairperson Manuel, Commissioners Arneson, Cohen, Thomas, Weaver, Wieckowski

ABSENT: Harrison

STAFF PRESENT: Dan Marks, Planning Manager  
Christine Daniel, Senior Deputy City Attorney  
Deborah Kim, Planner II  
Daniel LaForte, Planner I  
Mitch Moughon, Senior Civil Engineer  
Barbara Meerjens, Associate Planner  
Andrew Russell, Associate Civil Engineer  
Planner Julie Vidad, Support Specialist  
Alice Malotte, Recording Clerk  
Chavez Company, Remote Stenocaptioning  
Michael Lydon, Video Technician

APPROVAL OF MINUTES: None

THE CONSENT LIST CONSISTED OF ITEM NUMBERS 1, 3, 8, AND 10.

A separate vote was taken on Item 8, as Commissioner Cohen recused himself because the agent was a client.

IT WAS MOVED (WIECKOWSKI/WEAVER) AND CARRIED BY THE FOLLOWING VOTE (5-0-0-1) THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTION ON ITEM NUMBER 8.

**Item 8. TENTATIVE PARCEL MAP 8012 - 14 Duarte Avenue - (PLN2002-00329)** - to consider Tentative Parcel Map 8012 (a one-lot subdivision), to legalize one of the two parcels created by an illegal subdivision in the Niles Planning Area. This project is categorically exempt from CEQA review Section 15315, Minor Land Divisions.

**HOLD PUBLIC HEARING;**

**AND**

**FIND THE PROPOSED PROJECT TO BE CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW, PER SECTION 15315 OF THE CEQA GUIDELINES;**

**AND**

**FIND PLN2002-0329 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN AS ENUMERATED WITHIN THE STAFF REPORT;**

**AND**

**APPROVE TENTATIVE PARCEL MAP 8012, AS SHOWN ON EXHIBIT "A", SUBJECT TO FINDINGS AND CONDITIONS ON EXHIBIT "B".**

The motion carried by the following vote:

AYES: 5 – Arneson, Manuel, Thomas, Weaver, Wieckowski  
NOES: 0  
ABSTAIN: 0  
ABSENT: 1 – Harrison

IT WAS MOVED (WIECKOWSKI/WEAVER) AND UNANIMOUSLY CARRIED BY ALL PRESENT THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTIONS ON ITEM NUMBERS 1, 3, AND 10.

- Item 1. WANEE RESIDENCE - 1007 Sage Court - (PLN2002-00201)** - to consider an Amendment to a Planned Unit Development to allow a new 3,652 square foot residence (4,295 square feet, including garage) for property located in the Mission San Jose Planning Area. This project is categorically exempt from CEQA review, per Section 15303(a), New Construction or Conversion of Small Structures. (Continued from July 25, 2002)

**TO BE CONTINUED TO AN UNSPECIFIED DATE AND TO BE RENOTICED AT THAT TIME.**

- Item 3. BELLECCERE GPA - 38569 and 38573 Mission Boulevard - (PLN2002-00111)** - to consider a General Plan Amendment to change the land use designation from Residential 5-7 dwellings per acre to 15-18 dwellings per acre for 1.04 acres located in the Central Planning Area. A Mitigated Negative Declaration was prepared and circulated.

**CONTINUE TO SEPTEMBER 24, 2002.**

- Item 10. NILES CANYON ROAD STATE SCENIC HIGHWAY DESIGNATION - (PLN2002-00175)** - informational item regarding ongoing efforts to designate Niles Canyon Road a State Scenic Highway.

**ACCEPT REPORT.**

The motion carried by the following vote:

AYES: 6 – Arneson, Cohen, Manuel, Thomas, Weaver, Wieckowski  
NOES: 0  
ABSTAIN: 0  
ABSENT: 1 – Harrison

## **PUBLIC COMMUNICATIONS**

**ORAL COMMUNICATIONS:** None

## **PUBLIC HEARING ITEMS**

- Item 2. TENTATIVE PARCEL MAP 7792 - 835 Yakima Drive - (PLN2001-00316)** - to consider Tentative Parcel Map 7792 for 3 single-family residential lots on 2.2 acres located in the Warm Springs Planning Area. A Mitigated Negative Declaration was prepared and circulated.

Applicant declined to speak

Chairperson Manuel opened the public hearing and noted that one letter in opposition had been received by the City.

Paul Sethy, neighbor, stated that he was a 20-year resident and the letter writer also appeared to be a long-time resident of the neighborhood. He believed that the proper and wise development of this corner would be favorable to the neighborhood.

Chairperson Manuel closed the public hearing.

IT WAS MOVED (WEAVER/WIECKOWSKI) AND CARRIED BY THE FOLLOWING VOTE (6-0-0-1) THAT THE PLANNING COMMISSION HOLD PUBLIC HEARING;

**AND**

**FIND THE INITIAL STUDY HAS EVALUATED THE POTENTIAL FOR THIS PROJECT TO CAUSE AN ADVERSE EFFECT -- EITHER INDIVIDUALLY OR CUMULATIVELY -- ON WILDLIFE RESOURCES. THERE IS NO EVIDENCE THE PROPOSED PROJECT WOULD HAVE ANY POTENTIAL FOR ADVERSE EFFECT ON WILDLIFE RESOURCES;**

**AND**

**ADOPT THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PLAN AND FIND IT REFLECTS THE INDEPENDENT JUDGEMENT OF THE CITY OF FREMONT;**

**AND**

**FIND PLN2001-00316 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN AS ENUMERATED WITHIN THE STAFF REPORT;**

**AND**

**APPROVE PLN2001-00316, AS SHOWN ON EXHIBIT "A", SUBJECT TO FINDINGS AND CONDITIONS ON EXHIBIT "B".**

The motion carried by the following vote:

AYES: 6 – Arneson, Cohen, Manuel, Thomas, Weaver, Wieckowski

NOES: 0

ABSTAIN: 0

ABSENT: 1 – Harrison

- Item 4. TARGET ARTWORK PROPOSAL - 39301 Fremont Boulevard - (PLN2002-00249)** - to consider a request by Target to discuss the incorporation of a trellis structure at the corner of Fremont Boulevard and Walnut Avenue in fulfillment of a condition of approval requiring public art. This project is categorically exempt from CEQA review, per Section 15311, Accessory Structures.

**MODIFICATION TO STAFF REPORT:**

*The staff report, Project Analysis section, is amended to include the following:*

- ***The "Art in Public Places Program Policy" adopted by City Council June 9, 1987, defines "artwork" as including, but not limited to "sculpture, monument, mural, fountains, fresco, relief, painting, mosaic, ceramic, weaving, carving, stained-glass, wood, metal and plastic. Artwork generally does not include landscaping, paving, architectural ornamentation or signage".***

**PUBLIC HEARING**

Chris Coonan, Senior Design Project Manager and architect for Target Corporation, passed a small site plan among the Commissioners to illustrate the scale of the trellis structure at the corner, along with a rendering of the proposed one-of-a-kind stone objects, a California bear and a hippo, among others.

Chairperson Manuel opened and closed the public hearing.

Commissioner Thomas considered the pergola proposal to be part of the landscape rather than "artwork." She asked if benches and a walkway were to be included, as they were not shown on the illustration. She liked the bear rather than the hippo and suggested that it could be installed under the pergola, which made the stonework the accent, rather than the pergola.

Mr. Coonan stated that the pergola was expected to be used by the public.

Chairperson Manuel asked if public art had been included in other stores.

Mr. Coonan replied that the only store with artwork was in Walnut Creek, which was a "colorful mosaic" that had been integrated into the building.

Chairperson Manuel asked if staff had pushed him in the direction of public art, as determined by the Commissioners.

Mr. Coonan acknowledged that staff had questioned that the pergola could be considered public art, which was also the reason a sculptural piece was being offered. He believed that the sculpture would be better placed outside of the pergola, as it would take up a good portion of the footprint of the pergola.

Commissioner Weaver agreed that the pergola was not public art. A pergola was not creative, distinctive, unique and innovative. She asked if he had looked around town at City public art to gain an idea of what the Commission expected. The sculptures seemed to be prefab pieces where as many as one wished could be bought.

Chairperson Manuel mentioned that Target presented itself as different from other stores in its category, which was why the Commission looked forward to its opening. However, she wanted a design that was edgier, and neither the pergola nor the sculptural element was art, in her opinion. She asked if Michael Graves, who was an employee of Target, could create something for the corner.

Mr. Coonan stated that Michael Graves would probably be willing to create something for \$250,000.

Chairperson Manuel believed that the City was worth it. If the trellis was of a unique design and had "different" materials, she might look at it. A trellis could also be a wonderful place for temporary art created by students, etc.

Commissioner Thomas suggested something like the mosaic on the Safeway building, perhaps something that curved around the corner with a mosaic picture.

Mr. Coonan had seen the mosaic on the Safeway building and stated that sculptural medallions had been included on the buildings.

Commissioner Cohen reminded the applicant that the Bay Area was famous for its independence and its many famous sculptors. He recalled reviewing public art proposed by the Washington Hospital Group that was to be created by a local artist. He believed that this proposal would not be approved by the Commission and might hold up the building occupancy, if the same direction was taken in the future. He suggested going to the artist's studio in Berkeley that proposed the art for Washington Hospital.

Mr. Coonan suggested that Target present a check for \$25,000 to the City for the public art it would like to have on the corner. He stated that it was difficult to make arrangements with a local artist when operating from Minneapolis.

Commissioner Cohen commented that his suggestion could be taken up by staff, then reported back to the Commission as a possibility. He did not think using a local artist would be impossible, as this multi-million project was being done from Minneapolis. He reminded the applicant that the art was a condition of approval, it meant much to the City, and he did not believe it would be as difficult as the applicant made it out to be. This could be a win-win situation that could translate into not only good will, but profits for the company.

Mr. Coonan expressed surprise at the Commission's negative reaction – The pergola was not an inexpensive structure and the expense of the façade architecture made it within the top one percent of the stores within the company. He believed the plan, as presented, fit nicely with the shopping center. He stated that local artists had not recommended by staff and only the recommendation of some kind of a bronze sculpture was mentioned. However, he agreed to work with the City. He asked for recommendations and direction that his "finite budget" could accommodate. He again suggested giving a check to the City to acquire what it wanted.

Commissioner Thomas asked if the City Art Commission still existed and if there was any way to involve them.

Planning Manager Marks stated the Art Commission was involved with public buildings, only. If the Commission chose to accept a check, it would become a public project, which would have to be worked out, such as, the land, the maintenance. He would have to research whether the money could go to the Art Commission who could do the research and bring ideas to the Commission.

Commissioner Wieckowski suggested that the applicant could contact the Art Commission, who might know of rejected projects, and one of those could be used. He was not adverse to a traditional art piece. He saw the Mary Tyler Moore stature, while he was Minneapolis, "and found it to be charming in its own special way." He agreed with his fellow Commissioners. The pergola was "nice" but perhaps a small fountain to the side of it might be appropriate. He envisioned a visual piece that would draw people to it and, ultimately, into Target.

Commissioner Weaver suggested contacting the new art museum in Minneapolis.

Mr. Coonan stated that they had and "that was where they started their quest." Most of the pieces that they researched were in the \$250,000 range, which was much more than the \$25,000 to \$35,000 they were willing to pay.

Commissioner Weaver suggested that looking at the three proposals that the Washington Hospital brought before the Commission would give him an idea of what the Commission expected. The Commission liked two of them. She appreciated that extras had been added for this project, but the Commission and City did not expect less and the City deserved it.

Mr. Coonan stated that the building had many extra resources, including decorative medallions, display windows, the trellises, and so forth. But he saw a Catch 22; in his opinion, original art pieces did not exist and the company could not afford to have something specifically made for the City. He believed that agreement might not be reached after coming back to the Commission as many as ten times. He again offered that a check could be given to the City and it could be used for art.

Chairperson Manuel closed the public hearing.

Chairperson Manuel felt it should go back to staff and the offered \$35,000 be considered, and/or the Art Commission be contacted for, at least, advice. She stated that HANG Gallery in San Francisco and Palo Alto showed up-and-coming artists, which were not especially expensive. A variety of different possibilities should be considered, other than just a sculpture. She asked staff how the Commission could help to make this all work.

Planning Manager Marks recommended that it go back to staff to try again to agree upon something with the applicant that was more acceptable. Staff did not want to bring this proposal before the Commission, but the applicant wanted the Commission to see it and expressed hope for some sense of direction. He would not recommend that the City take the money. It would be on private, rather than public, property. Installation, maintenance, and liability issues needed to be handled by the applicant. He noted that it had not been that difficult, in the past, to obtain the Commission's approval on public art.

Cohen understood the applicant's fear of coming back to the Commission numerous times for approval of a piece of artwork. However, he recalled that the Washington Hospital proposals came to the Planning Commission once and got an approval the first time. He agreed with Planning Manager Marks's comments; it was not the City's responsibility to provide the art at the corner. The applicant agreed to provide public art and it was approved because of this, not because the applicant agreed to give the City \$35,000. He believed that it was "very doable"

IT WAS MOVED (COHEN/WIECKOWSKI) AND CARRIED BY THE FOLLOWING VOTE (6-0-0-1) THAT THE PLANNING COMMISSION **CONTINUE TO A DATE UNCERTAIN.**

The motion carried by the following vote:

AYES: 6 – Arneson, Cohen, Manuel, Thomas, Weaver, Wieckowski

NOES: 0

ABSTAIN: 0

ABSENT: 1 - Harrison

- Item 5. ALTA VISTA FREMONT - End of Starlite Way (Gable Dr.) - (PLN2002-00310)** - to consider a Planned District Minor Amendment for design changes and reduction of front and side yard setbacks for an approved single-family development located in the Warm Springs Planning Area. A Mitigated Negative Declaration was previously adopted in conjunction with Vesting Tentative Tract Map 6541, Grading Plan GP-92-6, and Private Street PS-92-3 for this project.

**MODIFICATION TO STAFF REPORT:**

*The staff report, Conditions of Approval, is amended as follows:*

1. Conditions set forth herein shall supersede all former conditions associated with this development, including P-92-4REV. conditions, Tentative Tract Map 6541REV conditions, GP-92-6REV conditions, and PS 92-3REV conditions.

Gregory Sterling, applicant, thanked staff for direction on the designs and was pleased that staff had been involved, because the plan design had been improved. The above changes were being requested because the original site plan designs were outdated and a new, accurate topographic map allowed for less earth movement.

Commissioner Thomas was concerned that windows in the back of the homes would invade the privacy of the existing homes. She asked what portion of the new homes would one see from the street below.

Mr. Sterling moved to a rendering and pointed out the windows and their relationship to the six-foot fence and the existing homes. He stated that the portion of the houses, as seen from the street below, would vary. Some would be completely hidden by the six-foot fence, others would be more visible.

Chairperson Manuel opened the public hearing.

Mr. Sterling stated that his architect was present to answer questions.

Vice Chairperson Arneson expressed concern regarding the significant visual impact on the neighbors. She asked if the dirt road along the six-foot fences would remain as an easement access. It looked like this road would be a kind of tunnel between the neighbors' fences and the new six-foot fences. She suggested that very tall shrubs be planted on the same side of the road and next to the easement to screen the new houses from the rest of the neighborhood.

Mr. Sterling stated that the road would be made of a crushed rock, an all weather surface. He stated that there was a 30-foot landscaping easement that was between the crushed rock road and the new houses. He agreed to provide a tall "hedge" to protect the privacy of the adjoining neighbors.

Commissioner Cohen complimented the applicant on the artistic design of the project. The combination of materials accommodated cost, as well as design. He asked how would the back of the houses look, would they all look the same?

Conrad Sanchez, architect, stated that the houses would not look the same, because they would march down the hill and would be different colors with different landscaping.

Chairperson Manuel closed the public hearing.

Vice Chairperson Arneson suggested adding a condition that would specify "a tall, irrigated shrub screen wall, planted close enough together to provide screening. . . Of a type that would grow up to plus/minus 20 feet." She added that these shrubs should be planted within the landscape easement, not inside the new lots, so that they could not be cut down by the lots owners.

Commissioner Thomas asked where the water would come from within the easement for the irrigation of the shrubs.

Planning Manager Marks stated that the maintenance would be covered through the homeowners association.

Commissioner Weaver wanted to be sure that the homeowners association did not decide, at some point, to relandscape that area and remove the screen of shrubs.

Planning Manager Marks stated it would be included in the CC&RS.

Chairperson Manuel recalled the original plan, and stated that she was surprised and overwhelmed by the design. It had its own authenticity and the architecture was very impressive. Many of the custom homes that came before the Commission were not designed as well as these homes. She asked that the landscape plan come back to the Commission as information item.

Commissioner Thomas asked if the color board could be passed around.

IT WAS MOVED (WEAVER/THOMAS) AND CARRIED BY THE FOLLOWING VOTE (6-0-0-1)  
THAT THE PLANNING COMMISSION HOLD PUBLIC HEARING;

**AND**

**ADD CONDITION THAT A SCREEN OF TALL SHRUBS BE PLANTED CLOSE TOGETHER  
IN THE LANDSCAPE EASEMENT, IRRIGATED BY THE HOMEOWNER'S ASSOCIATION;**

**AND**

**FIND PLN2002-00310 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS  
CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE  
THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S  
LAND USE, HOUSING AND NATURAL RESOURCES CHAPTERS AS ENUMERATED  
WITHIN THE STAFF REPORT;**

**AND**

**APPROVE PLN2002-00310, AS SHOWN ON EXHIBIT "A" AND EXHIBIT "D", SUBJECT TO  
FINDINGS AND CONDITIONS OF APPROVAL ON EXHIBIT "B".**

The motion carried by the following vote:

AYES: 6 – Arneson, Cohen, Manuel, Thomas, Weaver, Wieckowski

NOES: 0

ABSTAIN: 0

ABSENT: 1 – Harrison

- Item 6. SADDLE RACK ZTA - City-Wide - (PLN2002-00317)** - to consider a Zoning Text Amendment to Section 8-21503.1.(f) and Section 8-21603.(j) of the Fremont Municipal Code to allow a total of two nightclubs, subject to Conditional Use Permits, in the commercial/industrial overlay shown on the general plan land use map citywide. This project is categorically exempt from CEQA review, per Section 15061(b)(3), because the project has no potential for causing a significant effect on the environment. The project would allow otherwise permitted uses in smaller structures in the I-R Restricted Industrial and G-I General Industrial zoning districts.

**MODIFICATION TO STAFF REPORT:**

Other facilities in Fremont that can accommodate large numbers of people are banquet halls. The Marriott Hotel in Fremont *has a ballroom/meeting rooms that are* approximately 16,000 square feet. The Flamingo Palace is approximately 13,000 square feet in size.

IT WAS MOVED (WEAVER THOMAS) AND CARRIED BY THE FOLLOWING VOTE (6-0-0-1)  
THAT THE PLANNING COMMISSION HOLD PUBLIC HEARING;

**AND**

**RECOMMEND THE CITY COUNCIL FIND THE ZONING TEXT AMENDMENT IS  
CATEGORICALLY EXEMPT FROM CEQA REVIEW PER SECTION 15061(B)(3), BECAUSE  
THE PROJECT HAS NO POTENTIAL FOR CAUSING A SIGNIFICANT EFFECT ON THE  
ENVIRONMENT;**

**AND**

**FIND PN2002-00317 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS  
CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE  
THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S  
LAND USE CHAPTER AS ENUMERATED WITHIN THE STAFF REPORT;**

**AND**

**RECOMMEND PLN2002-00317 TO THE CITY COUNCIL IN CONFORMANCE WITH EXHIBIT  
"A" (ZONING TEXT AMENDMENT).**

The motion carried by the following vote:

AYES: 6 – Arneson, Cohen, Manuel, Thomas, Weaver, Wieckowski

NOES: 0

ABSTAIN: 0

ABSENT: 1 – Harrison



- Item 7. VISTA GRANDE GRADING - 44110 Hunter Lane - (PLN2002-00325)** - to consider a Preliminary Grading Plan for 19 single family lots in the Mission San Jose Planning Area. A Subsequent Mitigated Negative Declaration was prepared and circulated.

Alan Reeves, attorney for the applicant, introduced the owner and three engineers. He stated that extended geotechnical research had been performed and he asked for questions.

Chairperson Manuel opened and closed the public hearing.

Commissioner Cohen asked if the Planning Commission approved the tentative map, would it come back later in some other form.

Planning Manager Marks replied that all that has to be approved is the grading plan. The vesting tract map was approved ten years ago. The final map would go before the City Council for approval.

Commissioner Cohen asked if someone could walk the Commission through what some of the problems were and the proposed solutions.

Chairperson Manuel reopened the public hearing.

Mr. Reeves stated that the main problem was instability at the north edge of the property and how far it extended into the development and what had to be done. One proposal was to dig out the unstable mud and replace with engineered fill; the second proposal was to drill holes and insert a number of piers along that edge.

Commissioner Cohen thanked him for his comments, as they had helped to understand the problems.

Chairperson Manuel reclosed the public hearing.

**IT WAS MOVED (WEAVER/THOMAS) AND CARRIED BY THE FOLLOWING VOTE (6-0-0-1) THAT THE PLANNING COMMISSION HOLD PUBLIC HEARING;**

**AND**

**ADOPT SUBSEQUENT MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PLAN AND FIND IT REFLECTS THE INDEPENDENT JUDGMENT OF THE CITY OF FREMONT;**

**AND**

**FIND PLN2002-00325 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN AS ENUMERATED WITHIN THE STAFF REPORT;**

**AND**

**APPROVE PLN2002-00325, AS SHOWN ON EXHIBIT "A", SUBJECT TO FINDINGS AND CONDITIONS ON EXHIBIT "B".**

The motion carried by the following vote:

AYES: 6 – Arneson, Cohen, Manuel, Thomas, Weaver, Wieckowski

NOES: 0

ABSTAIN: 0

ABSENT: 1 – Harrison

- Item 9. WINTER RELIEF PROGRAM 2002-03 - 4330 Central Avenue - (PLN2003-00036)** - to consider Conditional Use Permit Amendments to allow temporary shelters for the homeless in existing religious facilities. The five proposed sleeping sites are located at 47385 Warm Springs Boulevard (South Bay Community Church), 37051 Cabrillo Terrace (St. James

Episcopal Church), 37365 Centralmont Place (Fremont Bible Fellowship), 3600 St. Leonard's Way (St. Leonard's Catholic Church), and 255 H Street (Niles Congregational Church). A hospitality center is proposed at 4360 Central Avenue (Centerville Presbyterian Church) and a day program at 42055 Blacow Road (Harvest House). This project is categorically exempt from CEQA review per Section 15304(e), minor temporary use of land having negligible or no permanent effects on the environment.

Chairperson Manuel recused herself, because she had interest in a property that was within 300 feet of one of the church locations. Vice Chairperson Arneson chaired this item.

Mary Ellen Gallagher, Tri-City Homeless Coalition, stated that the Executive Director, Louis Chicoine, some Board Members and some of the volunteers were present. She stated that last year, 94 families were on the list this year to seek shelter during the winter. This year, the number was, at present, about 70 families. Most of the families were the working poor. It was expected that this program would eventually end, as plans for more shelter beds and work force housing for families were created. This program encompassed a monthly, rotating shelter at the participating churches listed above. It provided a warm and dry shelter, three meals a day and essential services. The number of families was limited to 11 with no more than a total of 40 people at one time. They would meet at 5:00 p.m. to eat dinner and shower at Centerville Presbyterian Church. After dinner, various classes were offered until 8:00 p.m. when they were taken to the sleeping site (one of the five sleeping sites, above). A volunteer from the particular church also stayed the night. All the children were required to be in bed at 9:00 p.m. and the adults were expected to go to bed at 10:00 p.m. when the lights were turned out. Families arose at about 6:00 a.m. and were served a light breakfast. School age children must attend school. All participants were required to leave no later than 8:00 a.m., with paid staff leaving at 9:00 a.m. The non-employed participants went to Harvest House and met with their case managers; they had access to telephones for job or housing search; and could do laundry there. Participants coming into the program agreed to no verbal or physical abuse, no use of drugs or alcohol, parents must supervise children at all times, must sign-in by 6:00 p.m., no loitering was allowed at any of the sites or adjoining properties, and no pets or shopping carts were allowed. Residents must stay in the hall at the sleeping site. Residents were screened for outstanding warrants before entering the program and must have picture identification with their last address in the Tri-City area. Any violation ensured being asked to leave.

Vice Chairperson Arneson opened the public hearing.

Ellen Farrell, St. Leonard's Church member with a child who attended the school, stated that she was also a co-leader of a Girl Scout troop and that she supported the relief program. She stated that she was upset by the parents who expressed objections to the program. In her opinion, there was no better way to minister to the poor than by opening the Church's doors to provide food and shelter to these families. This was a way to teach values and morals and the meaning of compassion to the children who attended the school and church. Her Girl Scouts would help to prepare meals and collect food, clothing and other needed items for the program participants.

Linda Parini, Vice Principal of the school, stated that she was representing the teachers and staff who supported the program. Their purpose was to not only teach, but to live and model their faith. She believed it was a privilege to participate in the program. Many of the students had already started planning on how to help participate in the program during the month the participants would be at the church. She stated that none of the school, drop-off traffic would be affected by the participants leaving the site in the morning. Extra supervision would be provided during the morning hours during that month, which would make it a safe environment for the children coming to school.

Karin Guerera stated that her two children also attended the school and she was also a Girl Scout leader for fifth grade girls. She hoped to help the Girl Scout members to develop a sensitivity for other people and respect for their needs, feelings and rights. This would translate into a concern for the well being of others in community. She believed that the Winter Relief Program provided the opportunity for the community to come together to make a difference.

Steve Budnik stated that being a program volunteer last year, a parent of a child at St Leonard's school, living near the church, and being a deacon at church, made four ways that he was involved with the program. He agreed with the previous speakers and stated that he supported the program.

Alicia Pena stated that she was a parent of a student at the school and lived near the church. She was concerned about the children arriving at school at the same time the shelter residents left the shelter. Sometimes her son walked to school and home and she worried about whom he might interface with. This was a great program, but she questioned locating it near two elementary schools. She worried that the program participants would "hang out" near her home or in the neighborhood, as her children were home alone during the afternoons. She believed there were many other places to provide sleeping facilities for the program participants that were not near schools.

Father Larry Danjou, pastor at the church, stated that the parents safety concerns were upper most in the staff's minds. He believed that the previous speaker's concerns had been addressed, as 100 yards was between the residents' site and the school site.

Vice Chairperson Arneson asked if there was a supervised playground for the children coming to the school.

Father Danjou replied that yes, there was.

June Tibbets, 42-year resident, was concerned that some of the homeless would be young people who would stray around the neighborhood. She was concerned about her grandchildren and the children attending nearby Durham Elementary School. She asked that the site be changed to somewhere else. She stated that the neighbors on Cadman Road, Baylis Street, Rockett Drive, and Eugene Street were all against holding the program at St. Leonard's Church. She also suggested somewhere else that was not near elementary schools.

Commissioner Wieckowski gave his best to Ms. Tibbets' son, with whom he attended St. Leonard's Church.

Nancy Tibbetts Forst, nearby resident and parishioner, also did not support the project, because of potential loitering by the unemployed using the church. Her concern was that the program participants not looking for work would "hang around the neighborhood." She worried more about the neighborhood elderly, like her mother, the previous speaker, and the neighborhood children rather than the program participants. She suggested that the new City Council chambers would be a better place for program participants to sleep than at St. Leonard's Church. She believed that public facilities should be used rather than private churches within residential neighborhoods.

Mabelle Leca presented 66 signatures of people who were against St. Leonard's Church being one of the program's sleeping sites within about two hours. She stated that her home was behind St. Leonard's Church and she constantly had trouble with litter being thrown over her fence and had been robbed, along with her neighbors. She had shopping carts in her neighborhood, and she stated that people were already sleeping in cars near the school on

Leslie Street. She stated that she was worried about her safety and the other older people living alone in the area. She asked that the program be located somewhere else in the City.

Commissioner Thomas asked what question was posed on the petition. She asked if the speaker understood the program and that none of the participants would be in the neighborhood during the day after 8:00 a.m. She also asked if the speaker was worried that more homeless people would come into the neighborhood. She asked, again, what the petition stated and what the 66 people had signed.

Ms. Leca stated that she understood the program, but "I know what I see." She agreed that she believed that more homeless people would come to "take over the neighborhood." She asked Commissioner Thomas to read the petition.

Commissioner Thomas read the petition wording. She stated that some of the statements in the speaker's petition were not true and the petition was misleading. She asked the speaker if she understood that some of the statements were untrue.

Ms. Leca did not believe that the statements were untrue. She believed that the participants who were not working would roam the neighborhoods near the two schools.

Vice Chairperson Arneson clarified that the program participants would be transported to the church for sleeping by others in cars and there would be no opportunity to "hang around." She suggested that the speaker stay until the applicant addressed her concerns at the end of the public hearing.

Michael Peck, whose daughter attended school at St. Leonard's, asked if there were rules or regulations concerning homeless shelters' proximity to schools. He wished that the other church in the parish were involved in the program, instead.

Vice Chairperson Arneson asked why the other church was better for this program. She asked where the other church was located.

Mr. Peck replied that the other church was not near a school, which would alleviate worries about worst case scenarios.

Gordon Vrdohak was concerned that shelter was near two schools and suggested that the old City Hall be converted, rather than blowing it up. He wondered if the program was beginning its third year, it should not be "put on the back of all the residents all the time." He suggested that some appropriate place be acquired or built, since it looked like it would be an annual program. He asked if St. Leonard's had been involved with the project during the last two years.

Ms. Gallagher, stated that there would be "no hanging" out at the church. People were at their jobs or at the day site until 5:00 p.m. when they went back to Centerville Presbyterian Church for showers and a meal. If a family had not signed in by 6:00 p.m., they were not allowed in the program and they did not "hang out" around the Centerville Presbyterian Church, either. At 8:00 p.m. the participants would be transported to the church where they would sleep. They were not allowed to "hang out" in the neighborhood; they stayed in the fellowship hall. Paid staff were on site to ensure that participants did not leave the church, unless they wished to leave the program. The program was involved with families who wished to rebuild their lives and they were monitored to be certain that they attended their classes or went to work. The children in the Winter Relief Program were in the fellowship hall getting ready to go to their own schools and would not have the time to "check out the children at the school." Public transportation was used by most of the program participants, as very few owned cars. She stated that plans were being made to expand Sunrise Village to

accommodate more families, as Gordon Vrdohak suggested. There were no single men in the program.

Vice Chairperson Arneson asked if there were young men in the program who were not involved in a family unit. She asked if the Santa Paula Church had been considered.

Mr. Gallagher stated that no single men were allowed within the program. There was no winter relief program for single, homeless men. She stated that each church decided where the location for the sleeping arrangement would be on their site.

Father Danjou stated that the school site was chosen because it had a hall, which the other site did not have.

Louis Chicoine stated that they had heard this concern of negative impact to the neighborhoods for the last 15 years of operation. There had never a problem at any of the sites. The childcare facility near the Sunset Village Homeless Shelter had children from the shelter and children from the wealthy homes in the Mission Hills. He was not aware of any problems associated with the childcare facility being next door to the shelter. In fact, there had been a positive interaction.

Commissioner Thomas asked if some of the other churches in the program had childcare centers on site.

Mr. Chicoine stated that she was correct, and it had not been an issue in Niles for two years. The building was small and the childcare center was in the same building where the families were sleeping.

Father Danjou stated that he did an internship with St. Vincent DePaul program, which was designed to help people who found themselves homeless and on the streets. He told a story of a woman with three children who found herself homeless after losing her job. Over the period of several months, she began to understand the importance of properly taking care of her children and was able to get her life together, because of the service that was provided to her. He reminded the Commission and the public that many of us were not very far from finding ourselves on the street. This program helped the social fabric of our community. He encouraged the people with concerns to come to Sunrise Village shelter to meet the families. He expected that they would find that "they were not that much different from you or I."

Vice Chairperson Arneson closed the public hearing.

Commissioner Weaver recalled that she had approved the program for both of the former years. It was far better for homeless families to be in a structured program with services that provided meals, made sure the children were in school, and made counseling available, rather than being out on the street without services, without proper supervision, and without the structure that people on the street needed to get their lives back together. It was particularly important for the children that "they-who-have interact with those-who-have-not." She would support the program, again.

Commissioner Thomas also supported the program. She was sad to see that the numbers of the homeless were increasing. She stated that "the volunteer packet was wonderful." She complimented the people responsible for putting it together. She would support the program and wished the program staff and volunteers good luck with finding more permanent solutions. She commended the Girl Scout leaders for planning on getting their troops involved.

Commissioner Wieckowski expressed kudos to the Girl Scout leaders. It seemed that the Commission had heard a St. Leonard's testimonial. He recalled pressuring the applicant, last

year, to try to do more. When 150 children had no place to stay, quibbling over where one-fourth (40 people) of that need could sleep for one month was a small concern. He pledged to work to see that the community did more to provide permanent shelters. The faith-based community stepping forward to help the Tri-City Homeless Coalition was a reflection of the compassion, kindness and generosity of many people in Fremont.

Vice Chairperson Arneson congratulated the program people. It had always been very well run and well organized. The neighbors should have no problems, as there had never been any complaints. These were families, not some of the kinds of people that some the neighbors were concerned about. If there was any concern during the time that the church was participating in the program, she urged the neighbors to go to the church to see how the program was handled and to talk to the people involved. She would support the program.

IT WAS MOVED (COHEN/WEAVER) AND CARRIED BY THE FOLLOWING VOTE (5-0-0-1)  
THAT THE PLANNING COMMISSION HOLD PUBLIC HEARING;

**AND**

**FIND THE PROPOSED PROJECT TO BE CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW, PER SECTION 15304(E) OF THE CEQA GUIDELINES;**

**AND**

**FIND PLN2003-00036 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE AND HOUSING CHAPTERS;**

**AND**

**APPROVE PLN2003-00036, AS SHOWN ON EXHIBIT "A", SUBJECT TO FINDINGS AND CONDITIONS ON EXHIBIT "B".**

The motion carried by the following vote:

AYES: 5 – Arneson, Cohen, Thomas, Weaver, Wieckowski

NOES: 0

ABSTAIN: 0

ABSENT: 2 – Harrison, Manuel

### **Miscellaneous Items**

Information from Commission and Staff:

- Information from Staff:
  - Planning Manager Marks stated that the Warms Springs PD was passed on consent calendar by the City Council. The Shoestring Bar was continued to October 1, 2002.
- Information from the Commission:
  - Commissioner Thomas stated that she would not be attending the next meeting.

Meeting adjourned at 9:35 p.m.

SUBMITTED BY:

APPROVED BY:

Alice Malotte  
Recording Clerk

Dan Marks, Secretary  
Planning Commission